

# REQUIREMENTS TO INITIATE TERRITORY TRANSFER PROCESS

VOTER INITIATED  
(SECTION 1)

TRUSTEE INITIATED  
(MCA 20-6-103)

COUNTY SUPERINTENDENT  
INITIATED (MCA 20-6-103)

PETITION  
REQUIRED

TERRITORY

- Must be contiguous
- Must contain taxable value
- Must have school age children *living* in it
- May not be within 3 miles of operating school of the losing district
- May not have been included in a petition within the past 4 years

TRUSTEES OF RECEIVING DISTRICT MUST APPROVE THE TRANSFER BY RESOLUTION; MINUTES OR RESOLUTION MUST BE PRESENTED WITH PETITION.

PETITION

- Must be signed by 60% of the registered electors
- Must include a legal description of the territory to be transferred and a description of the district to which it is to be transferred
- Must state the reasons why the transfer is requested
- Must state the number of school-age children *residing* in the territory
- Must be presented to the county superintendent to initiate hearing

HEARING

BEFORE THE HEARING

- Schedule not more than 40 days after receipt of the petition (NOTE: court reporter needed; neutral hearing site)
- Verify the following which becomes part of the record:
  - Percentage of voters (Clerk and Recorder)
  - Contiguity, distance from school, taxable value (Appraiser)
  - Number of school age children
  - Territory not included in transfer in the past 4 years (County Superintendent records)
- Post notice pursuant to MCA 20-20-204 with at least one in territory
- For joint districts, appoint additional county superintendents if needed
- Determine hearing ground rules regarding repetitious testimony, time limits, rebuttal testimony, acceptance of post-hearing written testimony

POST-HEARING

Issue Findings of Fact, Conclusions of Law and Order. Make a finding on each item listed in Section 1(6). If multiple county superintendents are involved, each may submit findings. Include a Notice of Right to Appeal with Findings.

APPEAL within 30 days

Submit the entire record to the District Court.

IF THE TRUSTEES OF THE DISTRICT LOSING THE TERRITORY APPROVE THE TRANSFER IN WRITING, THE COUNTY SUPERINTENDENT SHALL GRANT THE TRANSFER WITHOUT A HEARING.

NO APPEAL

Transfer will not take effect between January 1 and the fourth Monday in August.  
Notify the following in writing if the transfer has been approved:

- Both districts
- Clerk and recorder
- Treasurer (NOTE: territory retains any debt service payments)
- Assessor/appraiser
- Surveyor (request rewrite of boundary descriptions)
- Fire districts
- Utilities
- Board of county commissioners
- Office of Public Instruction (particularly if low income students are involved)



